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201528Z Sep 04

C O N F I D E N T I A L THE HAGUE 002398

SIPDIS

E.O. 12958: DECL: 09/20/2014

TAGS: [PREL](#) [NL](#) [UNSC](#) [EUN](#)

SUBJECT: NETHERLANDS/EU/UNGA: ICJ SEPARATION BARRIER ACTION

REF: STATE 201935

Classified By: DEPUTY CHIEF OF MISSION DANIEL R. RUSSEL FOR REASONS 1.4
(B) AND (D).

1. (C) DCM discussed reftel talking points with Herman Schaper, the Dutch Deputy POLDIR, on September 20. Schaper confirmed that Dutch UN Permrep Dirk van den Bergh, in his EU capacity, had discussed the issue of the security barrier with the Palestinian mission (al-Kidwa) in New York. The Palestinians had raised several scenarios, ranging from a second UNGA resolution to "challenging Israel's credentials." According to Schaper, referring the barrier issue to the UNSC was "not excluded" as one possible option by al-Kidwa. Van den Bergh reportedly cautioned the Palestinians not to "overreach" on this issue, noting that they could not count on EU consensus for an aggressive, non-constructive Palestinian strategy. (Privately, Schaper said that he could imagine a two- or three-way split on the issue within the EU, and stressed that reaching consensus on the earlier UNGA resolution had been extremely difficult.) DCM argued that the EU should make clear at the outset that it opposed referral to the UNSC. He also noted that the EU had said, following its support for the earlier resolution, that it intended to work with the Palestinians to reduce the overall number of Middle East UNGA resolutions and asked whether the Palestinians were acting productively in this area; Schaper said there had been some discussion on this subject but indicated it had been inconclusive.

2. (C) POLCOUNS separately followed up with Jaap Werner, head of the Dutch MFA's Political Affairs Department. Although he was unaware of a specific Palestinian push to refer the issue to the UNSC, Werner observed that the EU "had it coming" after it supported the earlier resolution. He noted that consensus on the earlier resolution had been predicated on two assumptions: 1) that that resolution represented "the maximum" the EU could support, and that 2) the Palestinians would work constructively to lower the tone and consolidate resolutions at UNGA. He added that some EU members would nevertheless respond positively to a Palestinian push to raise the profile of the issue. As EU president, the Dutch would prefer to reach a consensus position again, even though their national position was relatively close to that of the U.S. Werner also noted that Israeli actions would play a role in how the EU responded to the Palestinian initiative, and stressed that it was critical that the Israelis were seen to be taking international concerns about the security barrier and settlements seriously. POLCOUNS stressed that the EU had nothing to gain from encouraging the Palestinians to put forward a UNSC resolution certain to be vetoed, and argued that the EU could play a more productive role by pushing the Palestinians to make good on their earlier commitments.

3. (C) In the absence of Karel van Kesteren (head of the MFA's International Organizations Department), POLOFF passed reftel points to van Kesteren's deputy, Giovanni van der Lugt. Van der Lugt did not comment substantively on the points, but promised to forward them to van Kesteren in New York promptly.

SOBEL